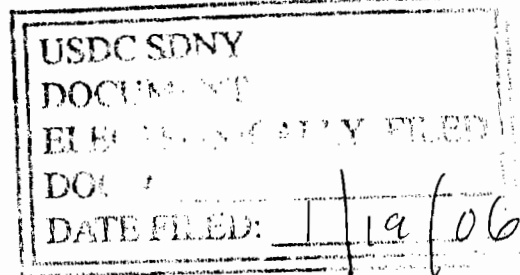


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



TEEVEE TOONS, INC. d/b/a TVT RECORDS,

03 Civ. 10148 (JGK)

Plaintiff,

- against -

MEMORANDUM OPINION
AND ORDER

REP SALES, INC. d/b/a RYKO DISTRIBUTION
PARTNERS and DM RECORDS INC.,

Defendants.

JOHN G. KOELTL, District Judge:

The plaintiff has filed Objections to an Order of Magistrate Judge Kevin Fox dated July 21, 2005. This Order required the plaintiff to produce certain financial and related data pertinent to compact disc recordings made by Lil John and the Ying Yang Twins, artists with whom the plaintiff alleges it has entered into exclusive recording service agreements. The Objections are overruled.

The Magistrate Judge's ruling is neither clearly erroneous nor contrary to law. See Fed. R. Civ. P. 72(a). The parties agree that the plaintiff will be required to show some injury as part of its claims. The plaintiff alleges that it will be able to show some injury without reliance on its financial data, and also specifically denies that it is seeking damages based on its alleged lost profits. However, the defendants should be permitted to show that there has been no injury by reference to the plaintiff's financial data. The plaintiffs argue that they

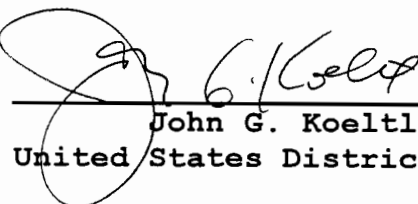
have already produced Nielsen Sound Scan reports of gross weekly sales of Lil John's and the Ying Yang Twins' albums, but such production is insufficient in light of the broad discovery permitted under the Federal Rules. The Magistrate Judge's order was thus not clearly erroneous or contrary to law.

However, given the apparently limited nature of the reasons for which the discovery is sought and the few musical albums at issue, the parties should attempt to focus the discovery requests so that the volume of the discovery does not result in undue burden or expense. See Fed. R. Civ. P. 26(c). The parties can also assure that a confidentiality order covers the financial information.

For the reasons explained above, the Plaintiff's Objection is **overruled**.

SO ORDERED.

Dated: New York, New York
September 26, 2005



John G. Koeltl
United States District Judge